

Reading and Understanding Legal Descriptions

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This presentation focuses on legal descriptions which are not simple Lot/Block or condo unit, but require an understanding of how to interpret or locate boundaries on a map.

- **Statutory purpose of a legal description:** To clearly identify property boundaries, sufficiently for a surveyor to determine boundary locations on the ground.
- **CAUTION:** *Writing or amending legal descriptions involves more complexity than might be apparent, requiring training beyond the scope of this presentation. It is strongly recommended that any new legal description or revision of an existing legal description be double-checked by a second experienced person.*

Common Types of Legal Descriptions:

- Subdivision
 - Recorded plat, short plat, etc.
- Sectional
 - Federal governmental subdivision of Sections/Townships/Ranges
- Donation Land Claim
 - Boundaries predate the federal government subdivision into Sections, but are reflected in those subsequent federal government surveys
- Metes and Bounds
 - Boundaries described by bearings and distances
- Condominium
 - Airspace described in a survey with lateral boundaries and upper/lower elevations
- Unrecorded Plat
 - This should really be a metes and bounds description, commonly with additional reference to an unrecorded plat

All legal descriptions are based upon survey information in some manner, either original federal government surveys of sections, townships and ranges, or a survey of a plat, condo, etc.

Problematic legal descriptions

- **Tax roll descriptions** sometimes don't contain enough information to fully identify the property.
 - But lack of plat recording data is normally not a critical defect if the plat name is complete & unique.
- **Sectional descriptions based on theoretically perfect sections** will create gaps or overlaps
 - SE1/4 SE1/4 theoretically 1320' x 1320' containing 40 acres.
 - W 660' of SE1/4 SE1/4 does not equal WH of SE1/4 SE1/4
 - W 20 acres of SE1/4 SE1/4 does not equal WH of SE1/4 SE1/4
- **If two descriptions overlap, first split out of common ownership has paramount title.**

Sample platted property legal description:

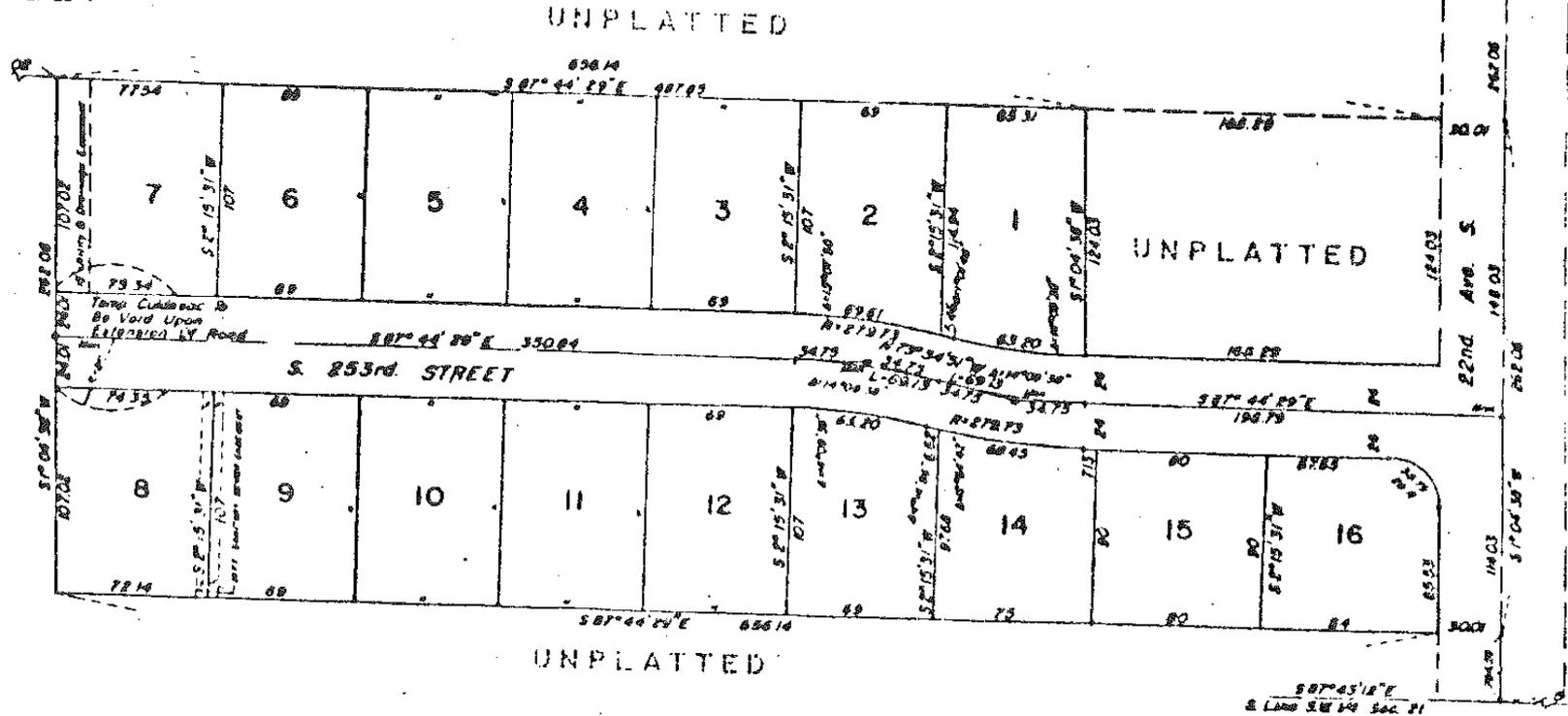
“Lot __, Block __, (Plat Name), according to the plat thereof recorded in (Volume/Page, or Book/Page, or Recording Number), records of __ County, Washington. (or some variation)

SOUND BREEZE
 S.W. 1/4 SECTION 21, TWP 22 N, R 4 E, W.M.
 KING COUNTY, WASHINGTON
 FREDERICK M. DRAKE - ENGINEER - FEB. 1969
 SCALE 1 INCH = 50 FEET

649000 11/28

A 1959

Line S E 1/4, S W 1/4, Sec 21-22-0
 307°44'29"E
 N Cor S E 1/4, S W 1/4
 T 21-22-0



SOUND BREEZE
 S. 253rd Street
 S. 253rd Street

Sample condominium unit legal description:

“Unit __, Building __, (Condo Name), according to the Declaration recorded __, Survey recorded ____, records of ____ County, Washington. *(or some variation)*

Per Condominium Act RCW [64.34.212](#) “Description of units”:

- A description showing the name of the condo, the recording data for the declaration, the county/state, and the identifying number of the unit is a sufficient legal description of that unit and all rights, obligations, and interests established as appurtenant to that unit by the declaration or bylaws *(such as assigned limited common elements or the undivided interest in common elements)*.

New WUCIOA: RCW [64.90.220](#) Description of units is almost identical to the Condo Act provision.

Statutes do not require mention of the condo survey, but most title companies strongly prefer it be included.

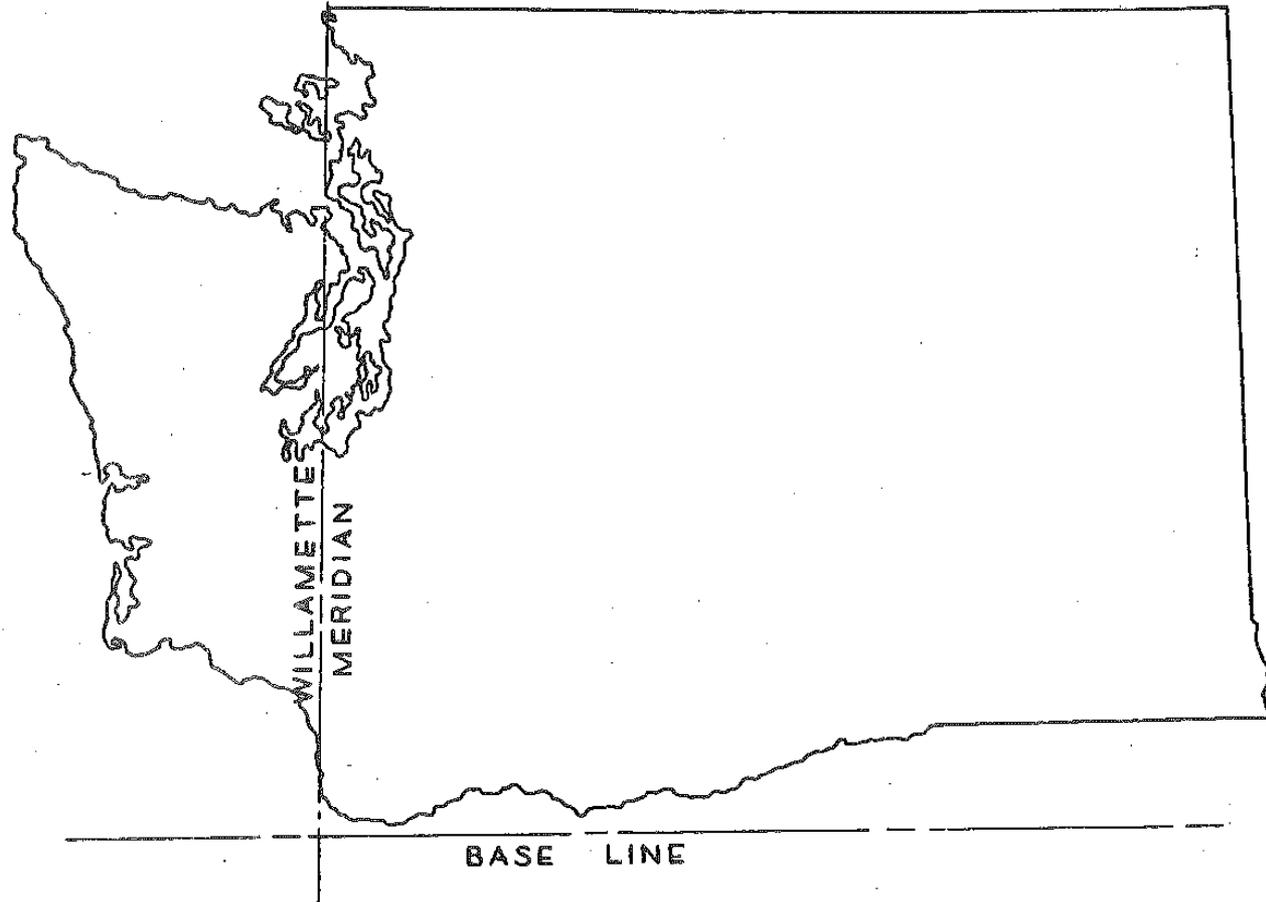
Converting types of measurements

Old surveys often measured land in “Chains” or “Rods” carried by the surveyors.

- 1 mile = 5,280 feet = 80 chains
- 1 chain contains 100 links
- 1 chain = 66 feet = 4 rods
- 1 link = 0.66 feet
- 1 rod = 16.5 feet = 25 links
- 1 acre = 43,560 square feet

Older legal descriptions may even have used paces, but there's no standard conversion.

Federal surveys: measured from the Willamette Meridian



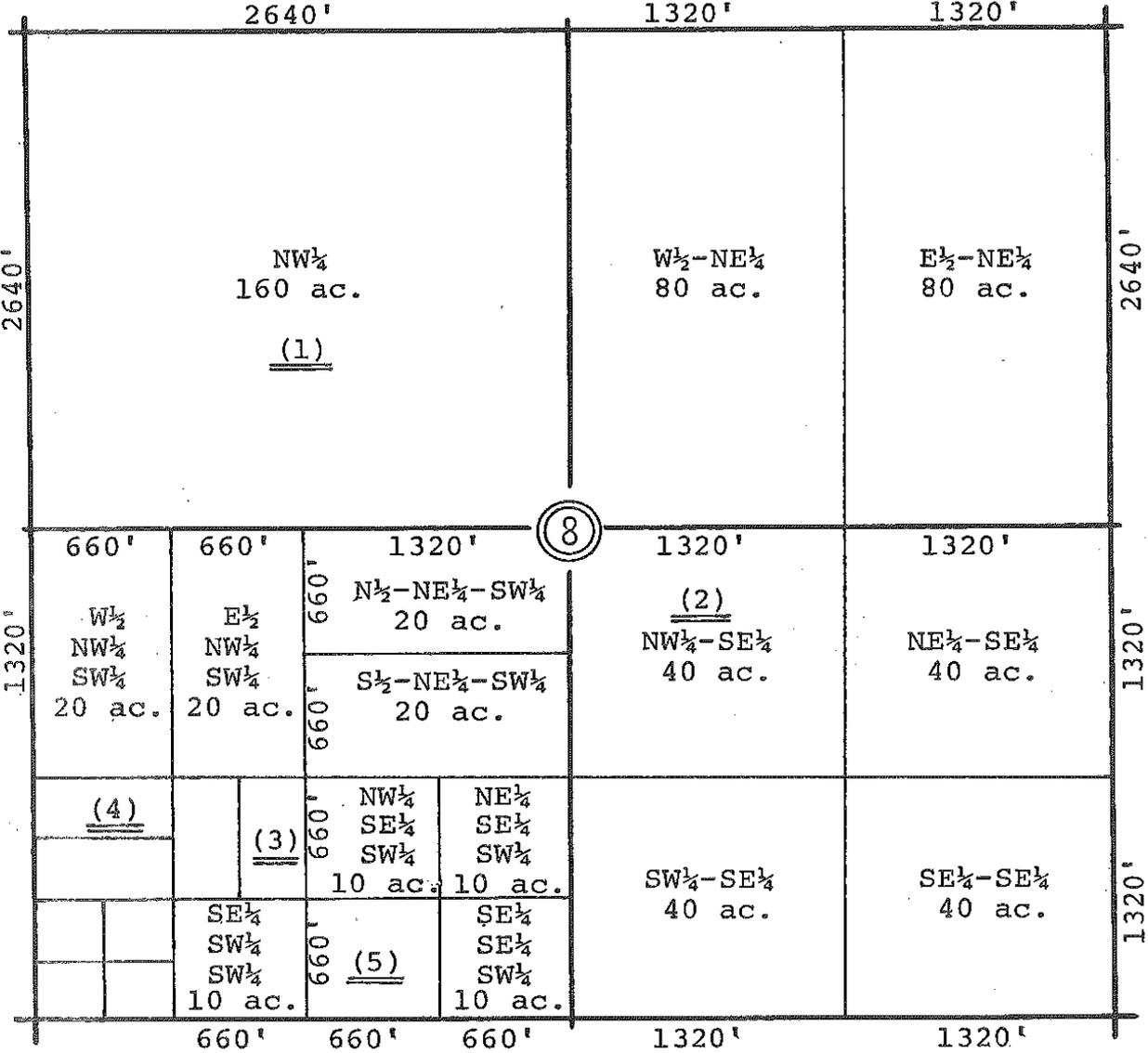
Federal lands were surveyed into Townships & Sections for homesteading or sale

- Townships: intended to be 6 miles on each side
 - Sections: intended to be one mile on each side
- BUT IN REALITY, THEY ARE ALL DIFFERENT SIZES BASED ON FIELD SURVEYING DISCREPANCIES.
- Federal surveyors placed monuments to establish the corners of sections and quarter sections.
 - Rugged terrain and other factors prevented sections from ever being perfect square miles.
 - This is the source of many gaps and overlaps of legal descriptions.

Townships contain 36 Sections, each approximately 1 mile square

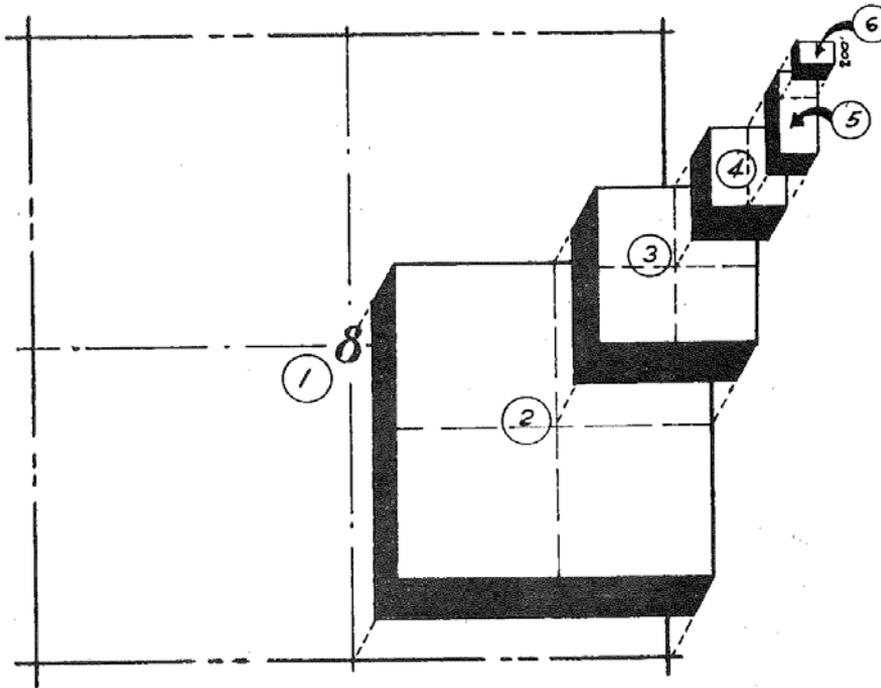
			T24N	R5E			
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
T23N			T23N				T23N
R4E			R5E				R6E
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
			T22N	R5E			

Sections were surveyed into quarters and commonly sold in smaller portions



Read Sectional descriptions “backwards”

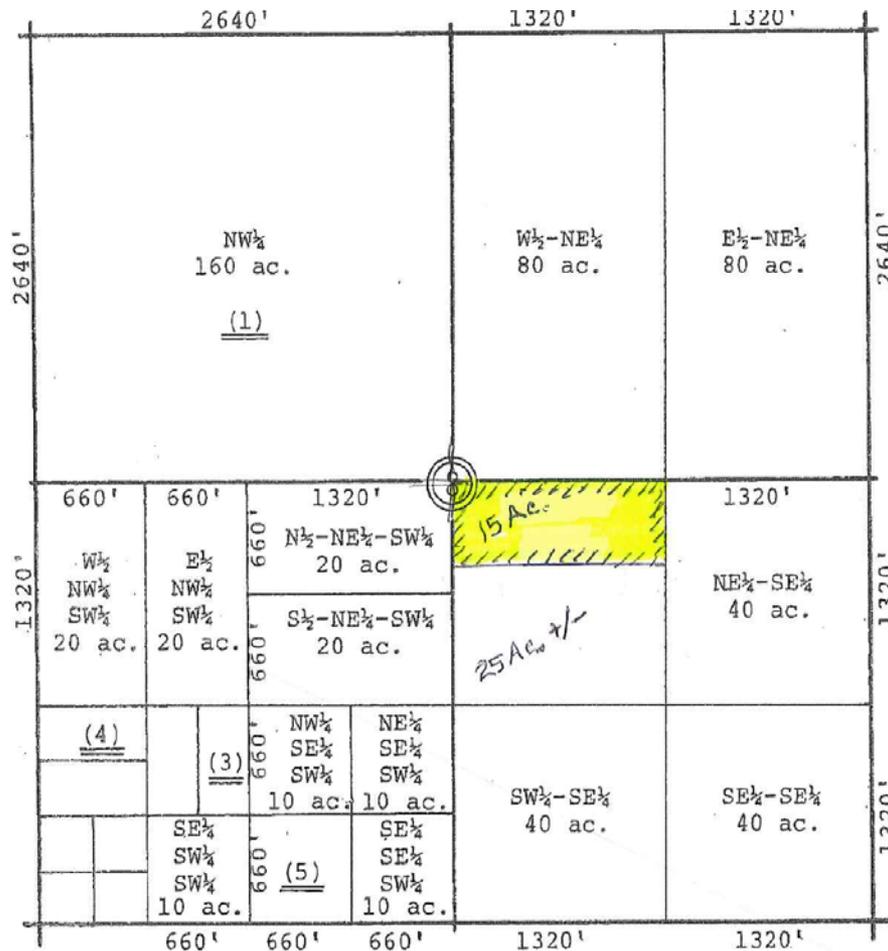
Example: The N 200 feet of the E half of the NE 1/4 of the NE 1/4 of the SE 1/4 of Section 8, Township 25 N, Range 5 E, ...



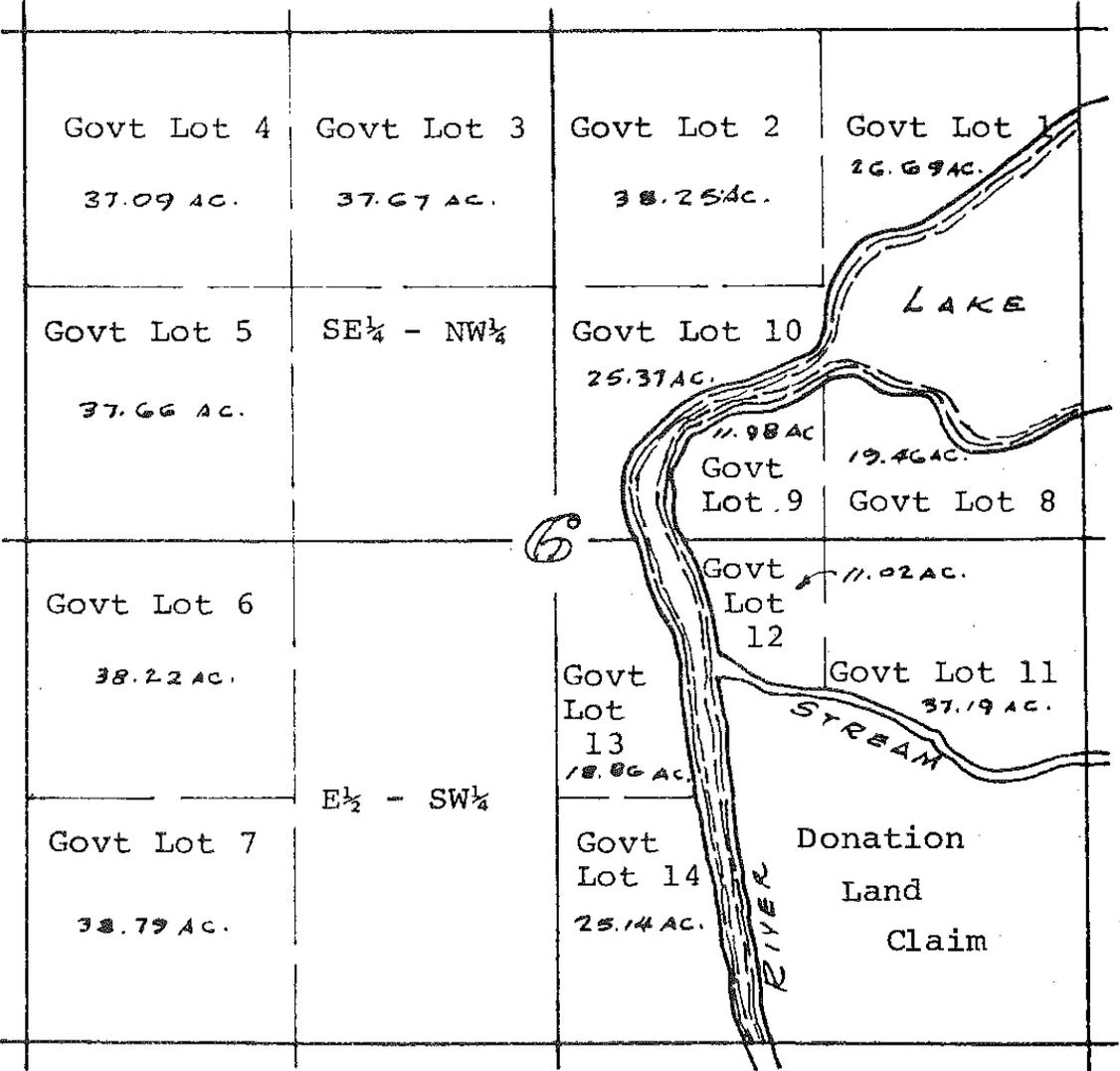
- ①. Sec 8-25-5.
- ②. SE $\frac{1}{4}$ 8-25-5.
- ③. NE $\frac{1}{4}$ - SE $\frac{1}{4}$ 8-25-5.
- ④. NE $\frac{1}{4}$ - NE $\frac{1}{4}$ - SE $\frac{1}{4}$ 8-25-5.
- ⑤. E $\frac{1}{2}$ - NE $\frac{1}{4}$ - NE $\frac{1}{4}$ - SE $\frac{1}{4}$ 8-25-5.
- ⑥. N 200' - E $\frac{1}{2}$ - NE $\frac{1}{4}$ - NE $\frac{1}{4}$ - SE $\frac{1}{4}$ 8-25-5.

Acreage legal descriptions

- Because Sections were theoretically a square mile and should contain 640 acres, descriptions based on acreage are not uncommon.
- Example: “The North 15 Acres of the NW 1/4 of the SE 1/4 of Section

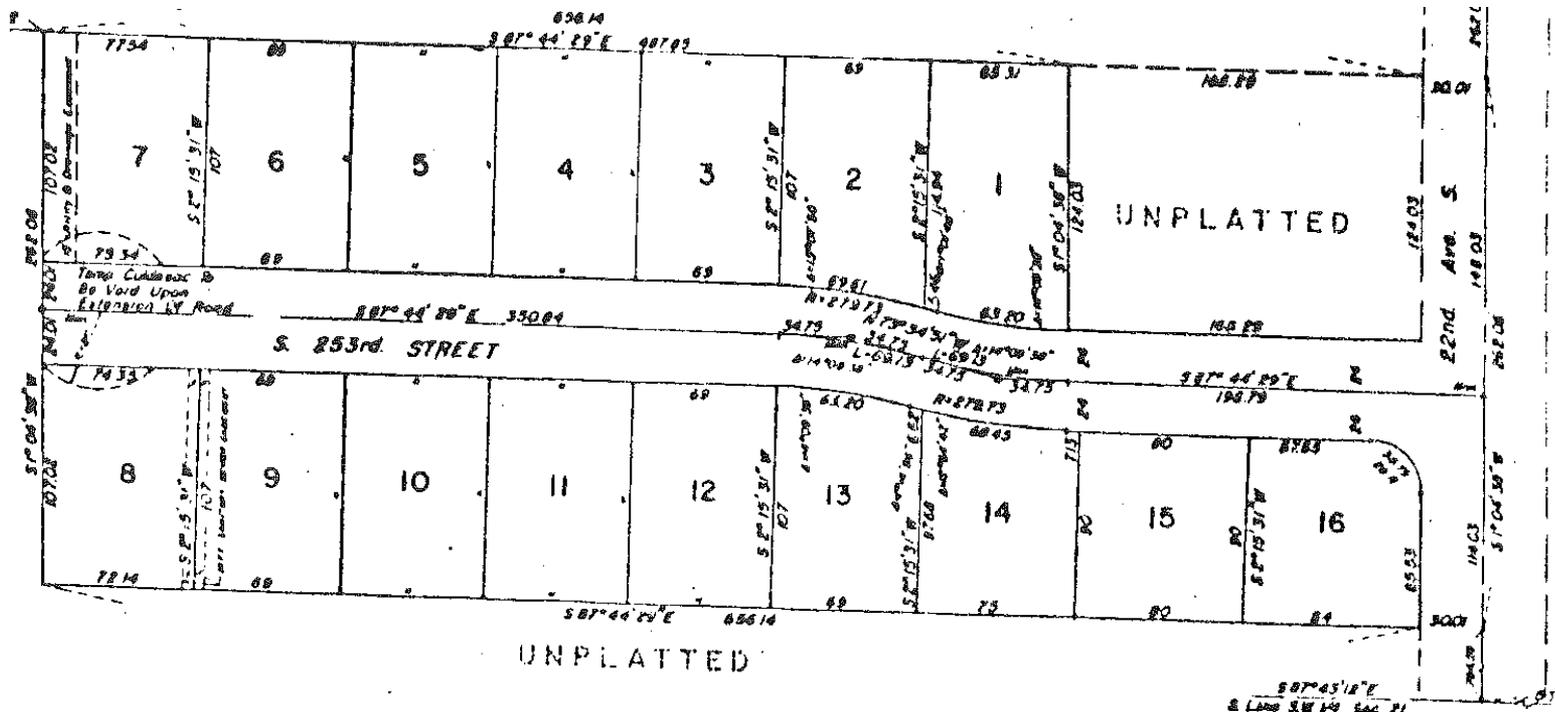


Irregularities in sections are dealt with through creation of Government Lots. Meander lines are surveyed lines approximating the boundaries of navigable water.



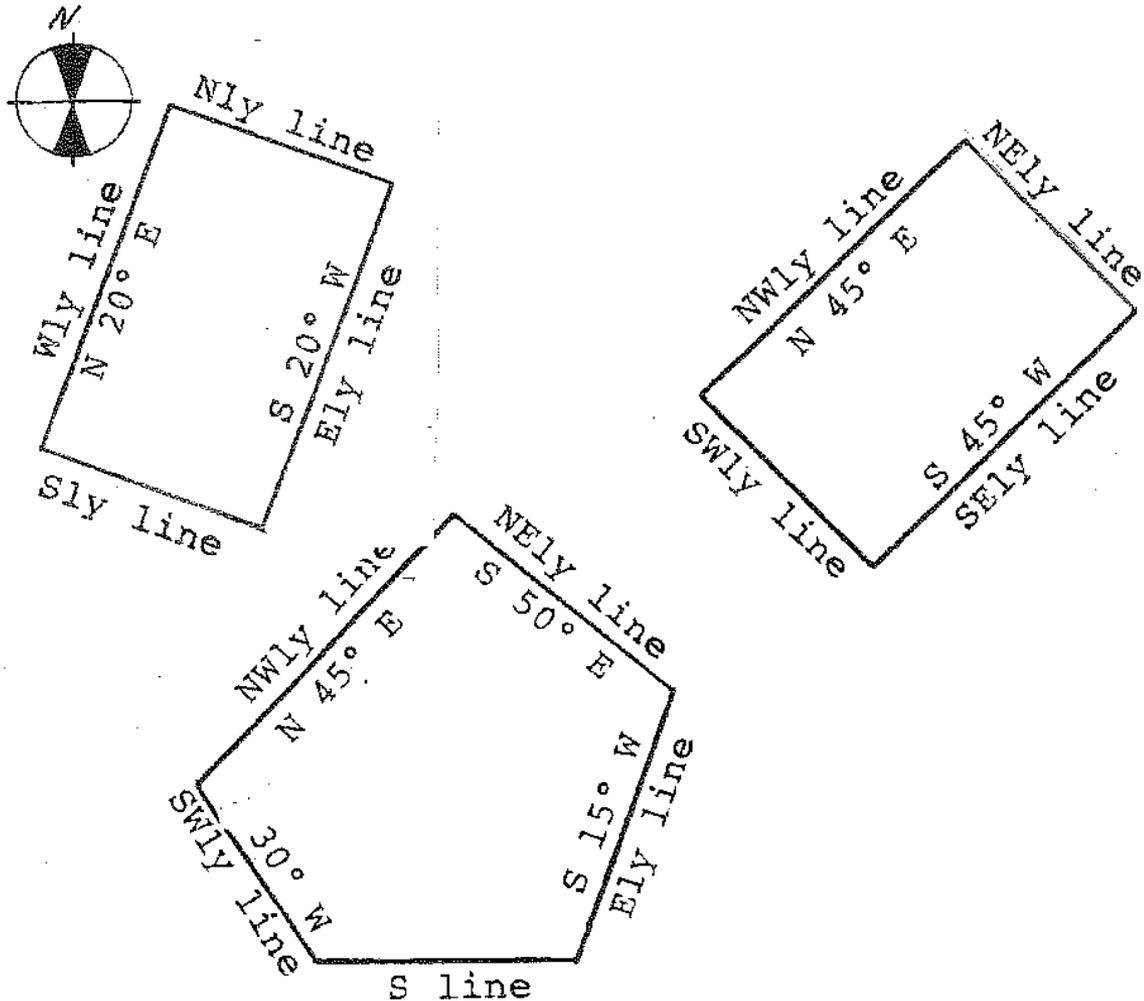
Plats and similar subdivisions

- A platted lot legal description incorporates the surveyor's lot boundaries by reference to that plat.
- Like any other survey, plat surveys can include errors, especially in older plats. Don't be surprised if a new survey shows discrepancies.

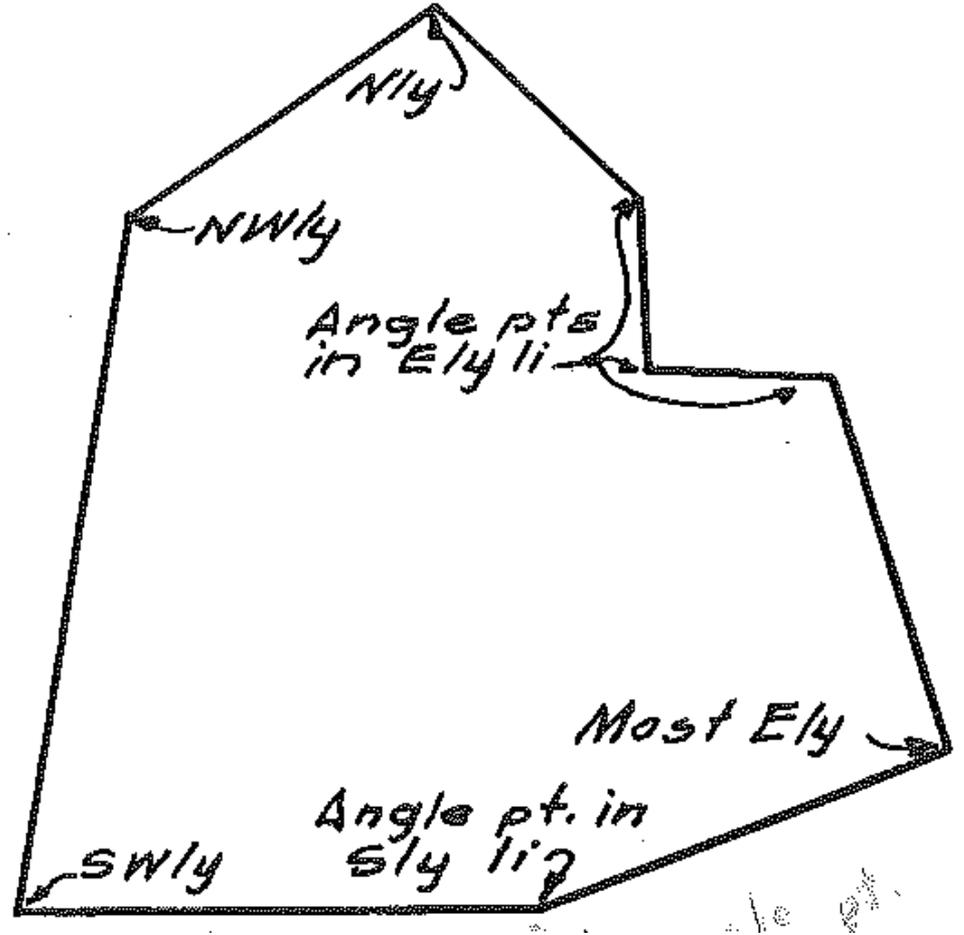
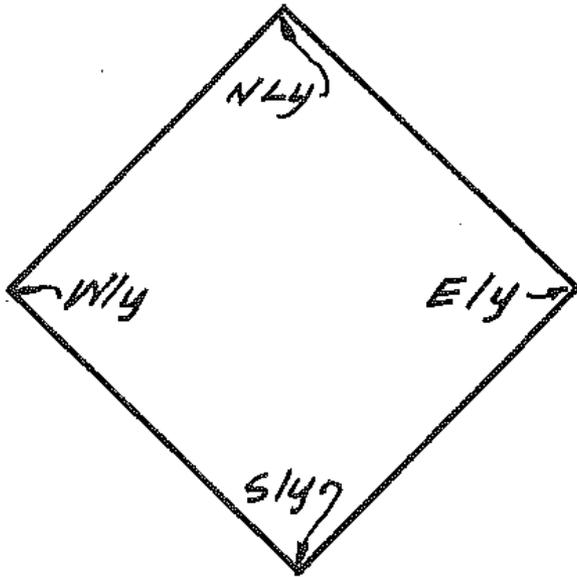
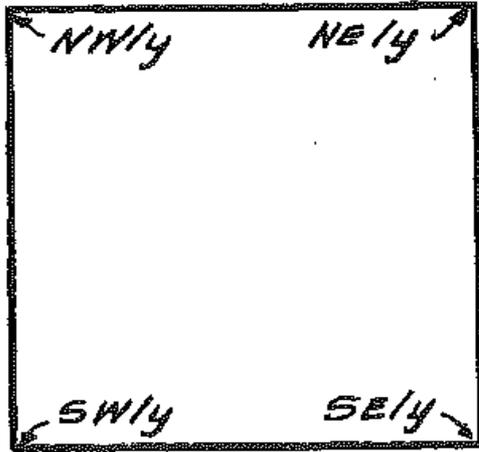


Conventions in describing lot boundaries

- N, S, E & W, vs. Northerly (NY), SY, EY & WY, vs NEY, SEY, NWY & SWY

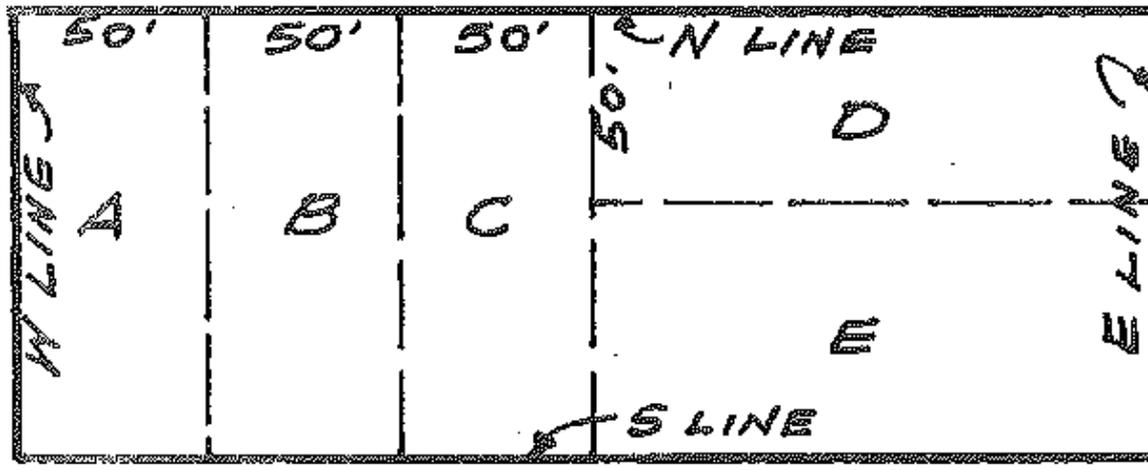


Conventions in describing corners



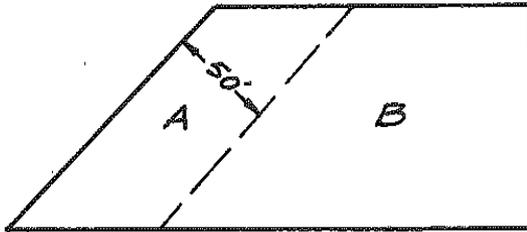
Divisions of a larger lot

- Parcel A: The W 50' of the Lot. *(A 50 foot strip closest to the W line)*
- Parcel B: The E 50' of the W 100' of the Lot. *(A 50 foot strip closest to the E line of the W 100')*
- Parcel C: The E 50' of the W 150' of the Lot. *(A 50 foot strip closest to the E line of the W 150')*
- Parcel D: The N 50' of the Lot, EXCEPT the W 150'. *(Describes the N 50 feet of the entire Lot, then cuts away the westerly 150 feet)*
- Parcel E: All of the Lot, EXCEPT the N 50' thereof, and ALSO EXCEPTING the W 150 feet thereof. *of the Lot, EXCEPT the W 150'. (Describes the N 50 feet of the entire Lot, then cuts away the westerly 150 feet)*



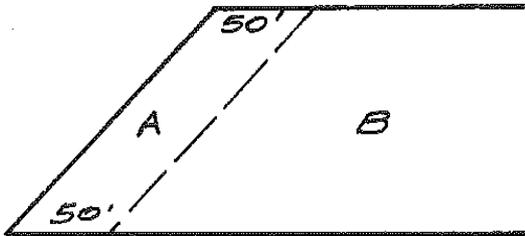
Dangers in interpreting descriptions!

Where is the Westerly 50 feet of this lot?



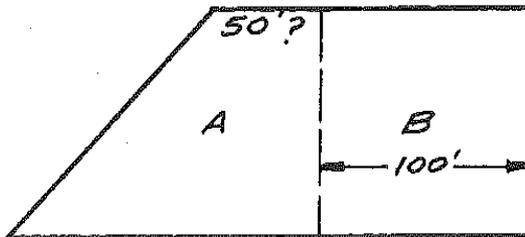
- a. Parcel A - the Westerly 50 feet (the 50 feet is measured at right angles to the westerly line).

Parcel B - all of the lot, except the Westerly 50 feet.



- b. Parcel A - the Westerly 50 feet, measured along the North and South lines. (A narrower strip than in 1a.)

Parcel B - all of the lot except the Westerly 50 feet measured along the North and South lines.

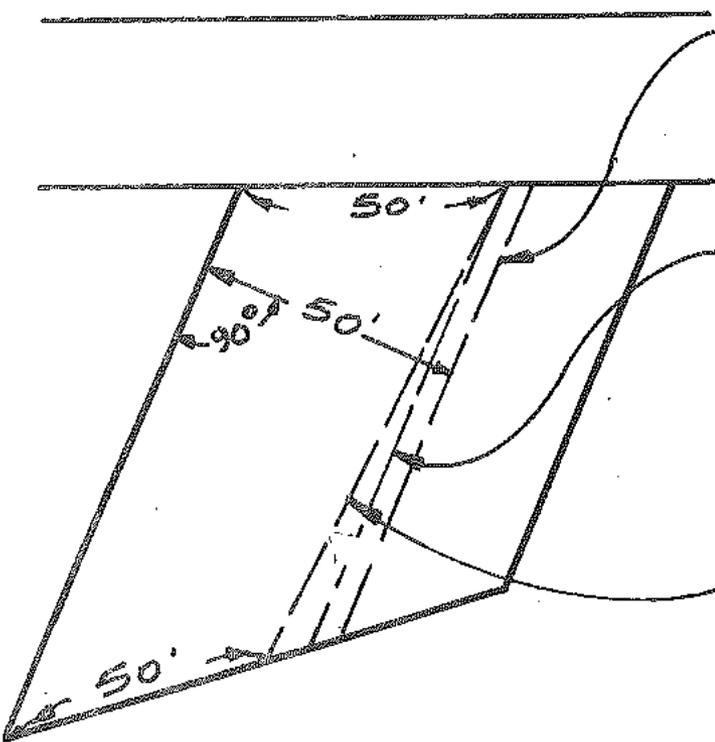


- c. Parcel A - all of the lot, except the East 100 feet (the east line of this parcel is 100 feet west of the east line of the lot - Parcel A may or may not have a 50 foot frontage on the north line).

Parcel B - the East 100 feet.

Or the westerly 50 feet of this lot?

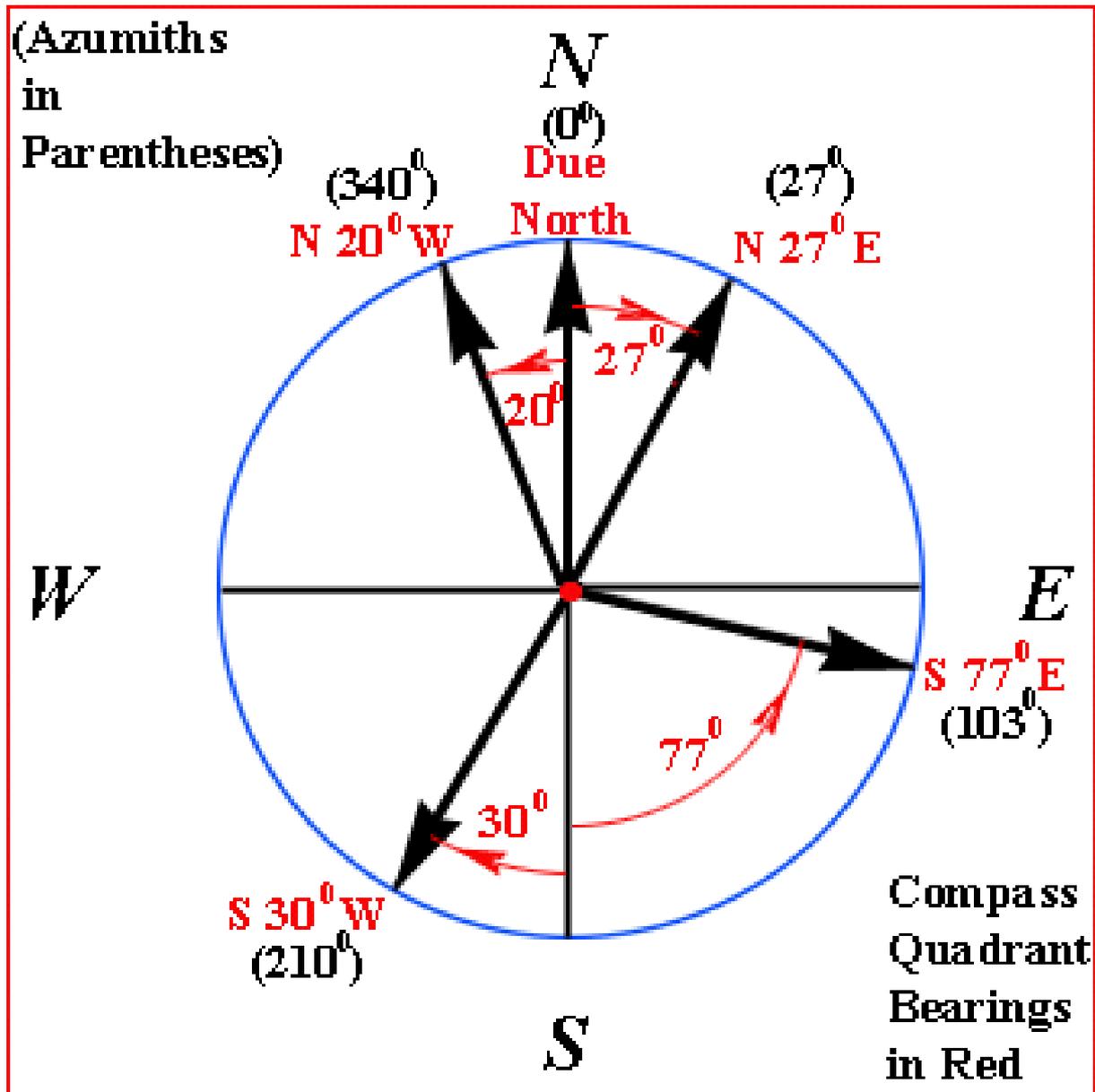
By dimension

- 
- The diagram shows a trapezoidal lot with a north-south orientation. Three different methods are shown to measure a 50-foot strip from the west side:
- a.** A horizontal line is drawn 50 feet from the west boundary, perpendicular to it. A dimension line indicates this 50-foot distance.
 - b.** A dashed line is drawn parallel to the north boundary, 50 feet from it. A dimension line indicates this 50-foot distance. A right angle symbol is shown between this dashed line and the north boundary.
 - c.** A dashed line is drawn parallel to the west boundary, 50 feet from it. A dimension line indicates this 50-foot distance. A right angle symbol is shown between this dashed line and the west boundary.
- a. West 50 feet is a strip of land 50 feet wide, measured at right angles to the west line of the lot.
- b. West 50 feet measured along the north line of the lot is a strip between parallel lines, the distance between said lines being measured on the north line of the lot.
- c. West 50 feet front and rear is a strip of variable width, having a frontage of 50 feet, and a width of 50 feet along the opposite or rear line of the lot.

Metes & Bounds (Bearings & Distances)

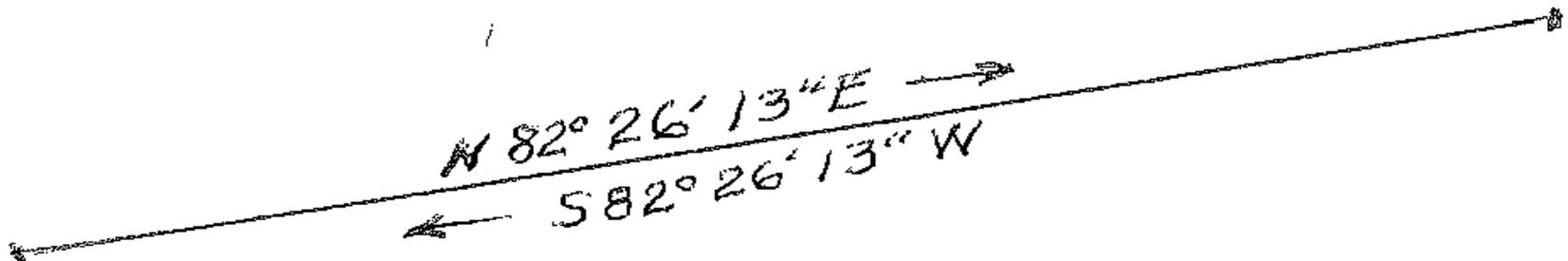
- Bearing: an angle measured easterly or westerly from a line pointing north or a line pointing south.
- A circle has 360 degrees (360°)
 - Each degree is divided into 60 minutes (60')
 - Each minute is divided into 60 seconds (60'')
- There are 90 degrees between a line pointing N and a line pointing E (or between S & W, or S & E, or N & W)
- All bearings are phrased as the angle that the line is veering easterly or westerly from a line pointing either N or S.
 - N 7° E means a line rotated 7 degrees easterly of a line pointing N (a line that is just slightly easterly of N).
 - S 89° W means a line rotated 89 degrees westerly of S (a line that is slightly southerly of W).

Bearings:



Where are North, South East & West?

- “NORTH” can have different meanings
 - Magnetic North vs. True North vs. along or parallel to a N-S Sectional line or a N-S lot line
- E & W can have different interpretations, too, being at right angles to a N-S line, or parallel to a Sectional line.
- Each line has two bearings associated with it. S
82°26'13" W follows the line in a SWY direction, starting from the E end. But the same line's bearing is N 82°26'13" E when starting from the W end. Which way are you going?



Structures of metes & bounds descriptions

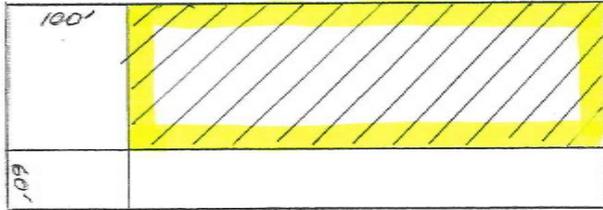
- Preamble: That portion of ____ (identify section/township/range or portion thereof, or Lot/Block) described as follows:
- Identify the “Point of Beginning” or “True Point of Beginning” (TPOB) of the parcel boundaries, which often requires starting (“commencing”) at some other known point, then describing how to get to the TPOB;
- Followed by metes and bounds which follow the perimeter of the property, returning to the TPOB;
 - The word “thence” is commonly used at the start of each subsequent segment of the boundary being followed.
- Subparagraph(s), if needed, excepting portions (roads, etc.); AND/OR subparagraphs adding more land.

Exceptions from legal descriptions

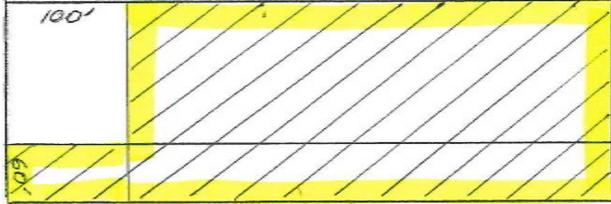
- It is common for a description to except one or more portions which lie within roads, or were previously sold to someone else, or are being retained by the seller:
 - EXCEPT the E 30 feet for road;
 - ALSO EXCEPT the N 100 feet of the west 60 feet thereof.
- Beware of the “double negative” effect of excepting a portion, then excepting another portion. Is it excepting two different portions, or is it excepting only the first portion, then adding part of that first portion back into the final boundaries?
 - *(Pay attention to phrasing and punctuation. Final interpretation may depend on historical chain of title.)*

Example: Lot 1, followed by:

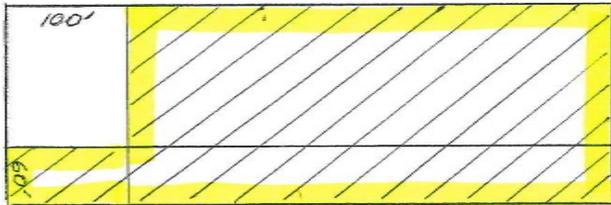
- EXCEPT the W 100 feet; ALSO EXCEPT the south 60 feet thereof.



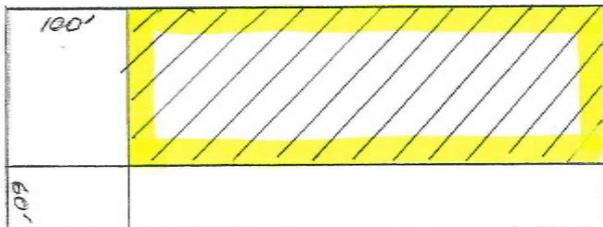
- EXCEPT the W 100 feet, less the south 60 feet thereof.



- EXCEPT the W 100 feet, EXCEPT the south 60 feet thereof.

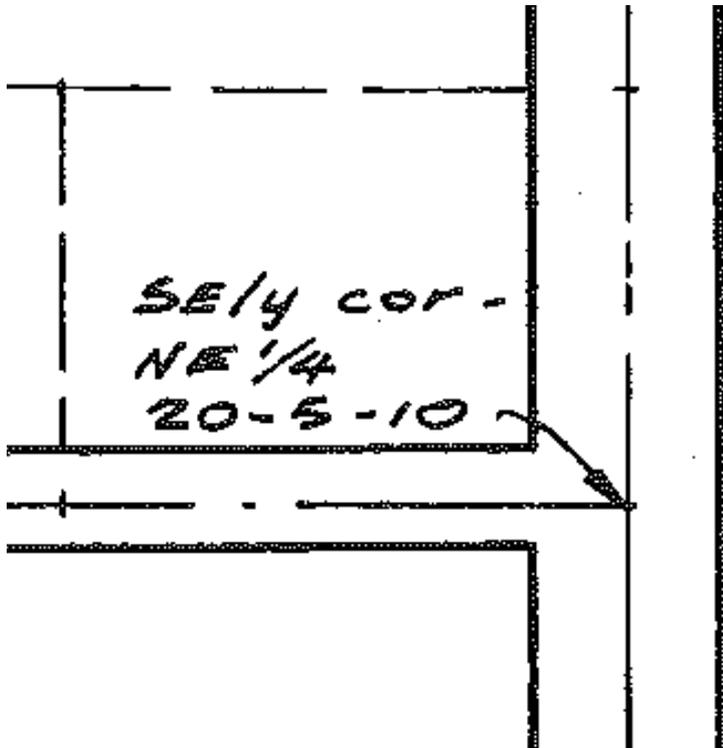


- EXCEPT the W 100 feet; EXCEPT the south 60 feet.

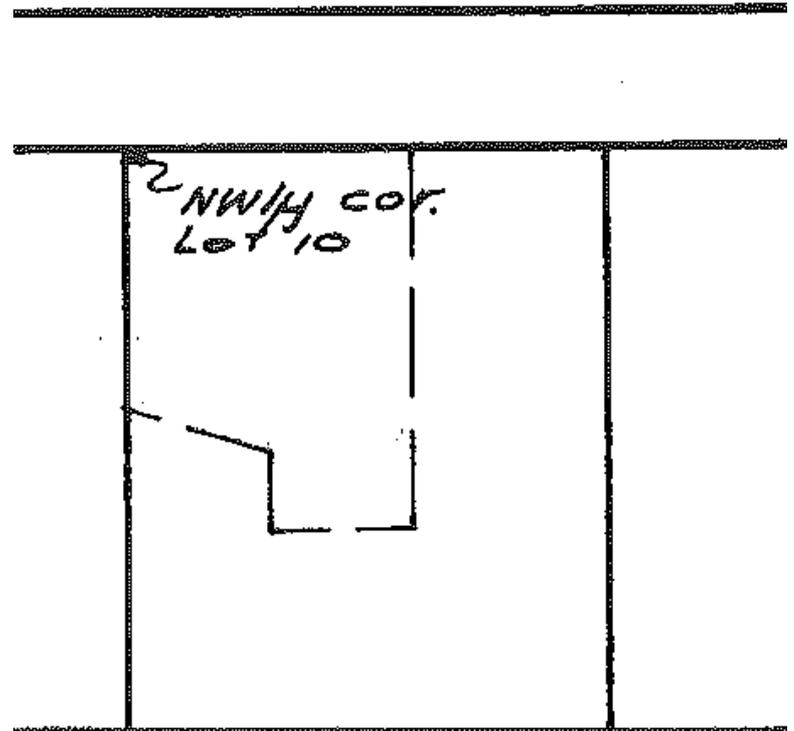


Getting to the True Point of Beginning

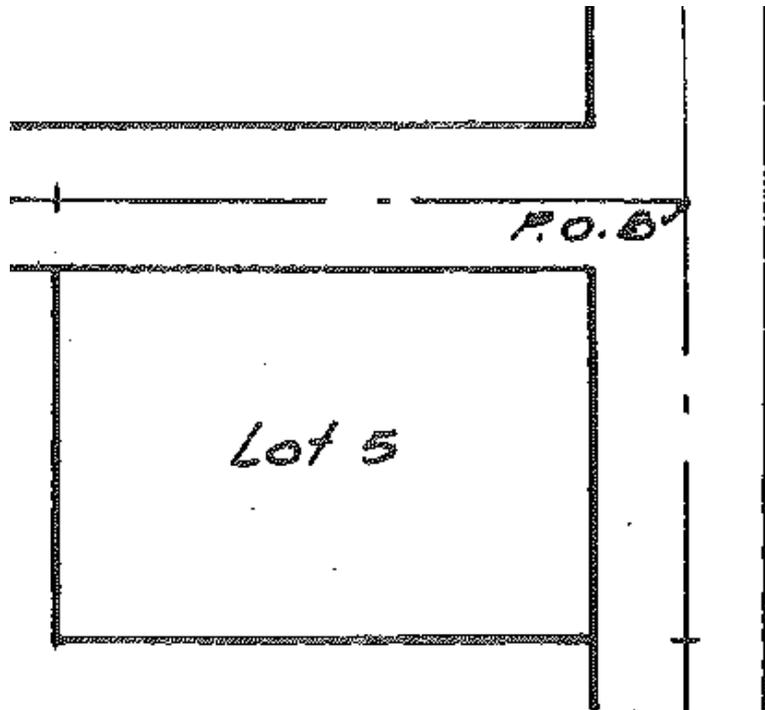
- Beginning at the SE corner of the NE $\frac{1}{4}$ of Section __; running thence ...



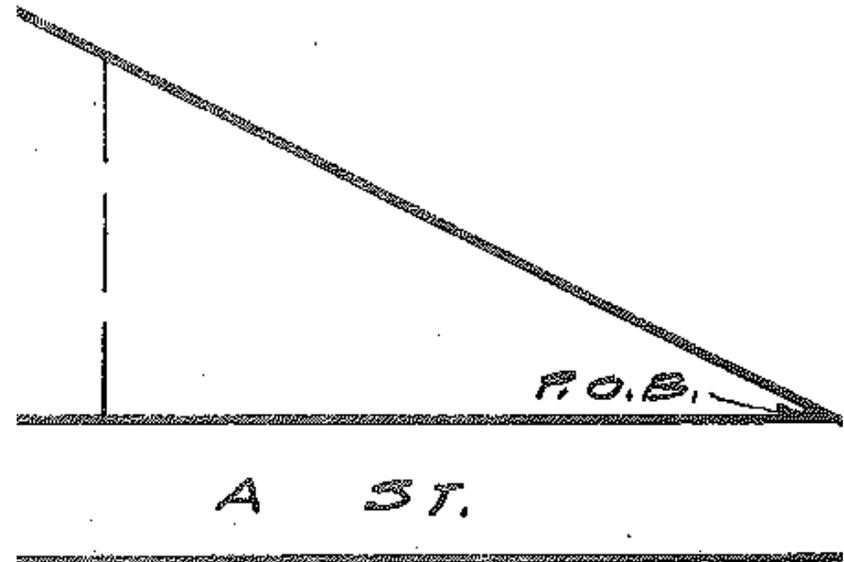
- Beginning at the NW corner of Lot 10; running thence ...



- Beginning at the NE corner of Lot 5, said corner being at the intersection of the centerlines of 15th Ave and Johnson St.; thence ...



- Beginning at the intersection of the SWY margin of State St. and the N margin of "A" St.; thence ...



Understanding “ties” and “more or less”

A metes & bounds line can include a “tie” forcing the line to go to a particular point or in a certain direction. Any stated distance is really “more or less” even if not phrased that way:

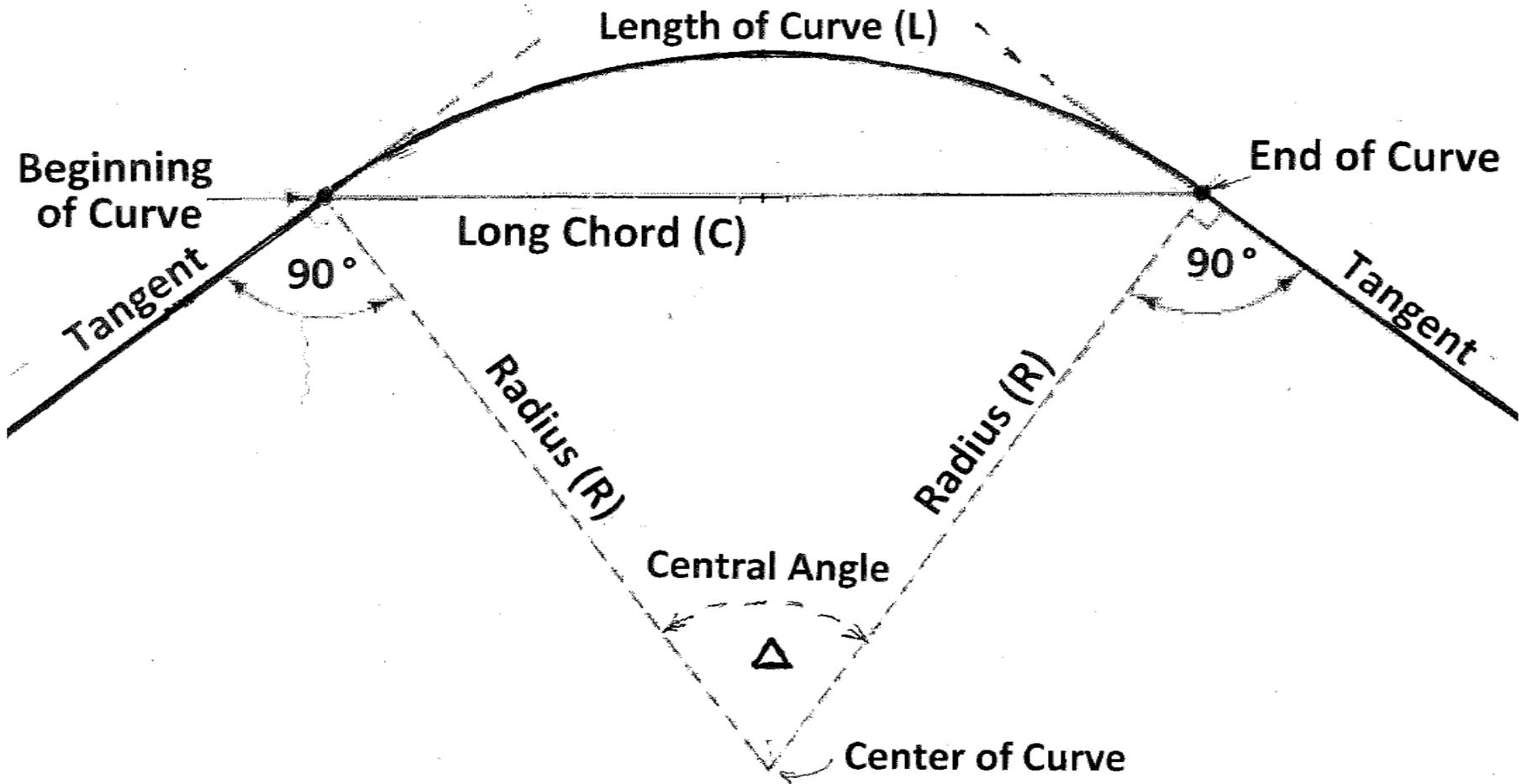
- Thence NEly to the SW corner of the land conveyed to Smith by deed recorded ____; ***(the angle and distance are whatever it takes to reach that corner)***
- Thence S 72° W 400 feet to the shore of Lake ____; ***(this line is lengthened or shortened to reach the shore)***
- Thence N 38° E 726.35 feet to the NE corner of the NE quarter of Lot ____; ***(both the angle and distance are adjusted to actually reach that corner)***
- Thence along Wolf Creek N 23° W 76 feet to a line which bears S 38°36'14" W from the TPOB; ***(two ties, one following the creek meanderings, not the bearing, the other creating an ending point that must be where that line to the TPOB intersects the creek)***

Standard curves are part of the arc of a circle.

They can be described by:

- the direction of the curve, left or right, based upon whether the curve is veering to the left or right as you follow the curve
 - (or concave in a particular direction)
- the radius length
- the radial bearing (angle to the center of the curve)
- and either:
 - the length of the curve as measured along its arc, OR
 - a central angle (angle between the radial bearing at the beginning of the curve and at the end of the curve), OR
 - a long chord bearing and distance.

Curve measurements & relationships



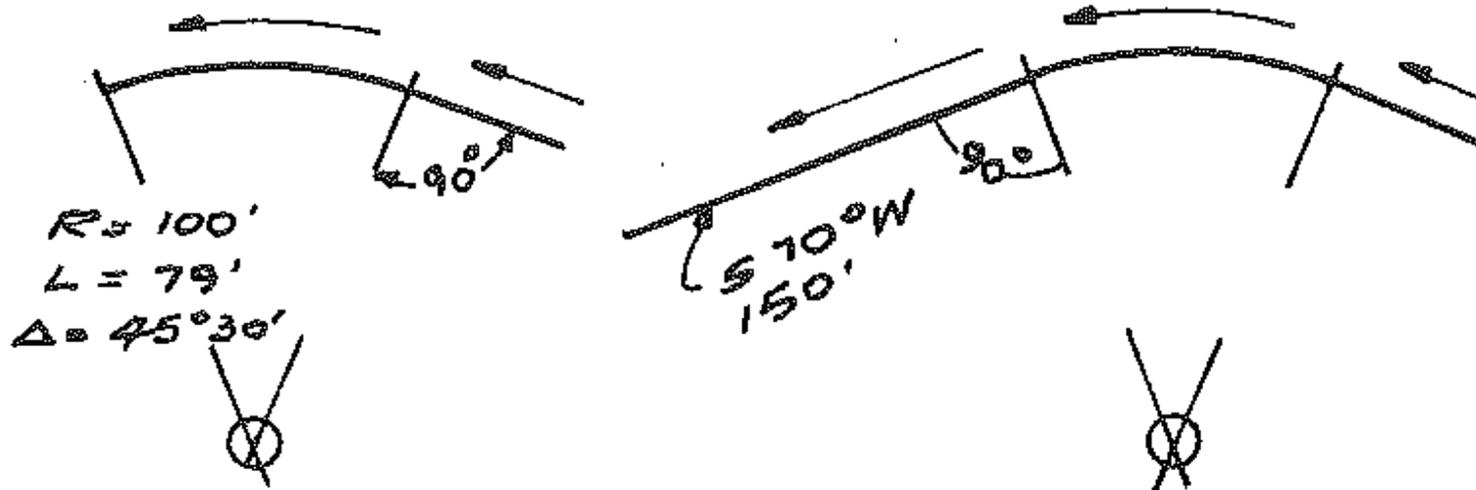
Tangent curves, tangent lines:

"Tangent curve": a curve whose radius bears 90° from the last line.

** We should assume a curve is tangent unless stated otherwise!

The 1st sketch shows the end of a straight line, continuing thence on a tangent curve to the left with a radius of 100', central angle of $46^\circ 30'$ and an arc length of 79'.

The 2nd sketch shows the boundary continuing on a line tangent to the end of the curve.

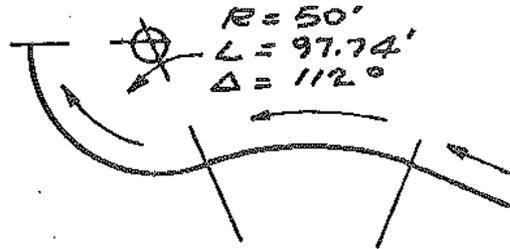


Compound, reverse and non-tangent curves

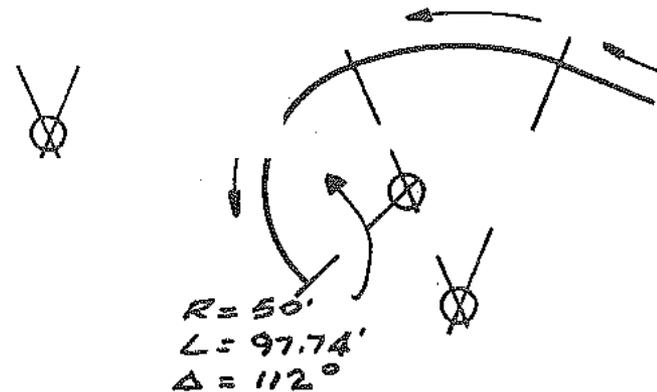
“Compound curve”: a second curve with a different radius.

“Reverse curve”: a second curve bending in the opposite direction.

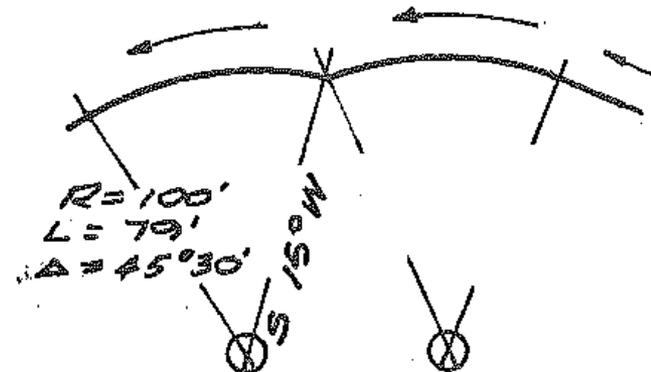
- Reverse curve:

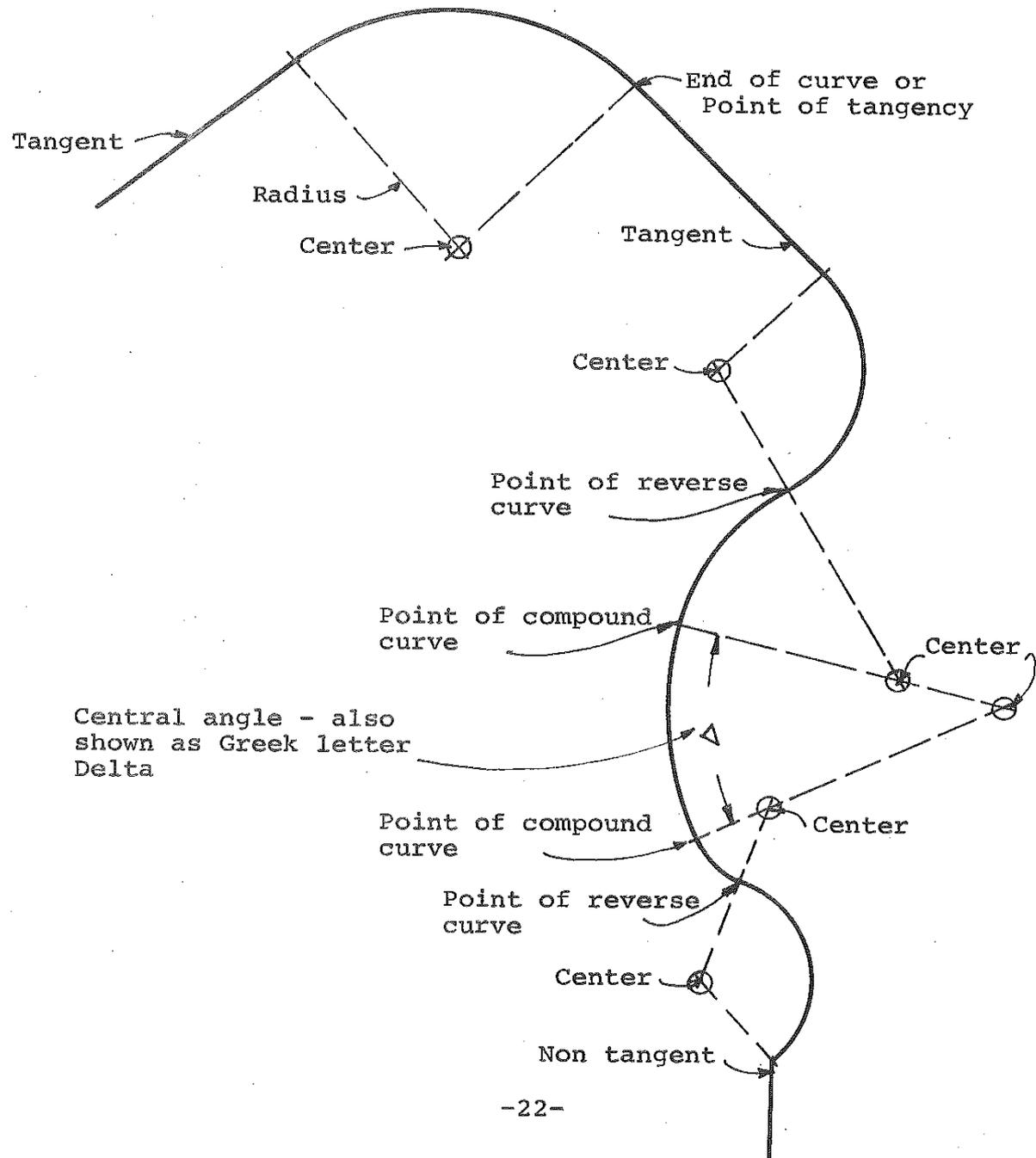


- Compound curve:



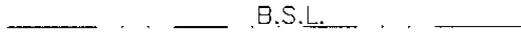
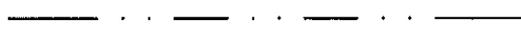
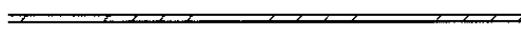
- Non-tangent curve:





Comparing a description to a survey – check the “Legend” for types of lines

LEGEND:

	PROPERTY LINE		STORM SEWER MANHOLE
	BUILDING SETBACK LINE		TELEPHONE MANHOLE
	CENTERLINE		GAS METER
	BUILDING LINE		CATCH BASIN
	6" CONCRETE CURB		TRAFFIC SIGNAL POLE
	EDGE OF ASPHALT		CROSSWALK POLE
	FENCE AS NOTED		POWER POLE
	FENCE AS NOTED		POWER POLE W/GUY WIRE
	CONCRETE WALL		LIGHT STANDARD
	CONCRETE SURFACE		PHONE RISER
	FIRE HYDRANT		CABLE TV RISER
	FIRE CONNECTION		ELECTRIC VAULT
	WATER METER		POWER TRANSFORMER
	WATER/GAS VALVE		TELEPHONE VAULT
	WATER VAULT		LANDSCAPED AREA
	WATER MANHOLE		FOUND AS NOTED
	SANITARY SEWER MANHOLE		TRASH ENCLOSURE
	SANITARY SEWER CLEAN OUT		

